

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

FILED

2024 MAY -6 A 11:03

United States of America)

v.)

Case No.)

3:24-mj-1059-HNJ)

Dennis Dewayne Nichols, II)

Defendant(s)

U.S. DISTRICT COURT
N.D. OF ALABAMA

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 16 and March 15, 2024 in the county of Lauderdale in the
Northern District of Alabama, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 875(c)

Threatening Communications

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.RYAN
WINDHAMDigitally signed by RYAN
WINDHAM
Date: 2024.05.06 10:52:10
-05'00'

Complainant's signature

Ryan J. Windham, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/06/2024Herman N. Johnson, Jr. Digitally signed by Herman N. Johnson, Jr.
Date: 2024.05.06 11:01:29 -05'00'

Judge's signature

City and state: Huntsville, AL

Herman N. Johnson, Jr., U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

IN THE MATTER OF IN THE
MATTER OF THE CRIMINAL
COMPLAINT AGAINST DENNIS
DEWAYNE NICHOLS, II

Case No. 3:24-mj-1059-HNJ

Filed Under Seal

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan J. Windham, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of an application under Rules 3 and 4 of the *Federal Rules of Criminal Procedure* for a criminal complaint and arrest warrant authorizing the arrest of DENNIS DEWAYNE NICHOLS, II for violating 18 U.S.C. 875(c) (threatening communications). As a federal law enforcement officer, I am authorized to execute arrest warrants under Rule 4(c)(1) of the *Federal Rules of Criminal Procedure*.

2. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”). I have been a SA with the FBI since August 2022. I am presently assigned to the Birmingham Division, Florence Resident Agency, investigating violations of federal law. During my training at the FBI Academy, Quantico, Virginia, I received training in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. Prior to joining the FBI, I was a member of the Missouri State Highway Patrol (“MSHP”) for

approximately five-and-a-half years. While employed with the MSHP, I was a member of the Major Case Squad and completed two separate internships with the MSHP Division of Drug and Crime Control Unit. I have assisted on numerous investigations, including homicide, sexual assault, drug investigations, and child exploitation investigations.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

STATUTORY AUTHORITY

4. It is a federal crime to “transmit[] in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another.” 18 U.S.C. § 875(c).

PROBABLE CAUSE

5. I am investigating a series of threatening phone calls that have been placed to the District Attorney of a Northwest Alabama county. These calls have been placed over the last two months. On some of these calls, the caller identified himself as DENNIS DEWAYNE NICHOLS. The county’s District Attorney’s Office provided me its file on NICHOLS.

6. According to the file, NICHOLS pled guilty on February 19, 2002, to Public Indecency in a Georgia case. The charge stemmed from NICHOLS exposing his genitalia to passing traffic on I-20. At some point, NICHOLS moved to Alabama and was informed that he needed to register as a sex offender.

7. Under Alabama's Sex Offender Registration and Notification law, offenders are required to register every three months—March, June, September, and December of each year. NICHOLS failed to register in March, June, and September of 2017. In July 2018, a grand jury indicted NICHOLS for three counts of violating Ala. Code § 15-20A-10(f).

8. In April 2019, NICHOLS's attorney filed a motion to dismiss the indictment, arguing that NICHOLS's Georgia conviction was not a registerable offense under Alabama law. NICHOLS's attorney cited to a 2015 letter in NICHOLS's file from the Alabama Law Enforcement Agency, which stated: "This conviction would subject the offender to registration and verification under Alabama Sex Offender Registration and Notification Act. However, since this is the only conviction of this offense, no notification is required under this act." The Circuit Court dismissed the indictment against NICHOLS.

9. Shortly after, NICHOLS met with the District Attorney. According to the District Attorney, NICHOLS was aggravated that he was still listed as a sex offender in Alabama. The District Attorney explained to NICHOLS that all he had to do was go

to the Clerk's Office and that he could get it expunged. The District Attorney recalled Nichol's stating something along the lines of, "This is your fuck up, you should have to fix it."

10. On February 12, 2024, NICHOLS called the county's District Attorney's Office. NICHOLS said that he had moved away from the county and now lived in Florida. NICHOLS also mentioned that he was going to contact the CIA about transmissions he was receiving through the internet. NICHOLS provided a contact number of [REDACTED]-7878 to the District Attorney's office. From my review of the file, which contains a note pertaining to this call, why NICHOLS called the District Attorney's Office is unclear.

11. On February 13, 2024, NICHOLS called the District Attorney's Office and asked to speak with the District Attorney. According to a note in the file, NICHOLS said the District Attorney knew what he was calling about and was avoiding him. NICHOLS also stated something along the lines of how it was "personal." NICHOLS called the District Attorney's Office again the next day.

12. On February 16, 2024, the District Attorney's voicemail received a message from [REDACTED]-7878: "Look here hoss, this is Dennis Dewayne Nichols the second. This clear assault you put on all fifty states cause your bull shit you got because your mother fucking at it . . . I'm telling you what you piece of shit mother fucker you, if you don't return my fucking calls, I'm going to come fucking beat your brains out like

I should've done already. If you don't call me back mother fucker I'm coming to Alabama to beat you to death. Call me back. Bye."

13. On March 15, 2024, the District Attorney's voicemail received another message from [REDACTED]-7878: "I mean it, if you don't give me a call back . . . you old son of a bitch you. I'm going to come home and I'm going to break your fucking puny neck. If you don't give me a call back, you son of a bitch, in the next hour. I'm fixin' to get on a fucking plane and I'm fixing to bring my motherfucking ass to Alabama, and I'm fixing to kill you!"

14. The District Attorney's voicemail received another message from [REDACTED]-7878 on March 15, 2024: "(Unintelligible) mother fucker . . . Let me tell you something . . . (unintelligible). I'm down here in Miami and I just found your (unintelligible) trying to get this god damn case on me ever since I got a charge in Atlanta. You sent me to prison you little son of a bitch you. I mean to tell you today, homeboy, you better get you a motherfucking (unintelligible) because if you don't I am going to kill you! You get somebody to fucking god damn talk to me you son of a bitch. If not, I'm going to kill you. This is Dennis fucking Nichols you son of a bitch and I mean it. I'm coming home bitch if you don't call me back."

15. On March 15, 2024, I spoke with the District Attorney. He said he recognized the voice of the person who left the threatening voicemails as NICHOLS's voice.

16. The District Attorney's Office stated NICHOLS has attempted to contact DA Connolly approximately nine additional times from February 14, 2024, to April 12, 2024. The phone conversations vary from speaking with the DA's Front Office Clerks, leaving voicemails on DA Connolly's voicemail, and talking about how various Federal Government Agencies (Homeland Security and Central Intelligence Agency) are following him.

17. On April 12, 2024, the District Attorney's Office received a phone call from NICHOLS, from phone number [REDACTED]-7878. During the phone conversation, NICHOLS apologized for the "forceful energy" directed towards DA Connolly the last few times he had called. NICHOLS also left a call back number as [REDACTED]-7878.

18. The United States District Court for the Northern District of Alabama previously issued search warrants to Verizon Wireless for historical location data associated with the device assigned the number [REDACTED]-7878. Review of the records produced by Verizon shows that the device was located in Florida when the calls discussed in this affidavit were made.

CONCLUSION

19. Based upon my experience, training, and the totality of the circumstances found in this affidavit, I have probable cause to believe that NICHOLS has violated 18 U.S.C. § 875(c) as charged in the accompanying criminal complaint.

20. I further request that the Court order that all papers in support of this complaint, including the affidavit and the complaint, be sealed until NICHOLS's arrest to ensure officer safety and his timely apprehension.

Respectfully submitted,

RYAN WINDHAM Digitally signed by RYAN WINDHAM
Date: 2024.05.06 10:52:38 -05'00'

Ryan J. Windham
Special Agent
Federal Bureau of Investigation

Subscribed electronically and sworn to telephonically, before me this 6th day of May, 2024.

Herman N. Johnson, Jr. Digitally signed by Herman N. Johnson, Jr.
Date: 2024.05.06 11:01:49 -05'00'

Herman N. Johnson Jr.
United States Magistrate Judge